

2015 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB1)

Received: 3/6/2015 Received By: fknepp
Wanted: As time permits Same as LRB:
For: Paul Farrow (608) 266-9174 By/Representing: Jenna
May Contact: Drafter: fknepp
Subject: Education - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
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Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov
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Pre Topic:

No specific pre topic given

Topic:

School accountability reports and interventions for low-performing school districts

Instructions:

See attached

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It contains three rows of drafting history data.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	fknepp 4/10/2015	csicilia 4/13/2015		_____	srose 4/3/2015		
/P4	fknepp 4/14/2015			_____	srose 4/13/2015		
/1		csicilia 4/14/2015	wjackson 4/14/2015	_____	sbasford 4/14/2015	sbasford 4/14/2015	

FE Sent For:

<END>

Meeting w/ Jenna 3-8-15

### Senate Bill 1—Substitute Amendment Draft Request

**Adding:**

\*All changes to report card  
eff 2016-17 report

current  
law  
OK for  
15-16

We want to remove the boards that we originally created with this bill. We would also like to instruct The Department of Public Instruction to review the current state report card and promulgate rules with the changes that they determine for the report card in regards to measures and weight, which are used to determine a school's performance level no later than December 15<sup>th</sup>, 2015. We would like to keep that they must provide a definition for each of the five performance categories. We would like the Department of Public Instruction to take into consideration the following measures when reviewing the report card:

Add  
review  
a  
report  
every  
4 years

1. Pupil achievement in reading and mathematics
2. Growth in pupil achievement in reading and mathematics, calculated using a value-added methodology
3. Gap closure in pupil achievement in reading and mathematics and, when available, rates of graduation
4. Student Tenure
5. Poverty
6. Career and technical education *readiness*

We would like to add a section that if a school has achieved a level of performance that is determined to be failing that the Department of Public Instruction must send home a notice to parents informing them. We would also like to keep the section requiring each school district to annually post on its website the educational options available to children residing in the district.

**Removing:**

Remove Sections 3-6 (Page 6, line 3-Page 8, line 3) Sections 16-20 (Page 9, line 14-Page 12, line 15)

Page 12, line 17 we would like to remove Chronically failing and keep Low-performing.

Page 12, line 18 we would like to remove state superintendent.

Page 12, lines 22-24. We would like to keep the previously stricken part that says has been in need of improvement for 4 consecutive schools years, the school board *and remove* that receives notice under s. 118.41 (2) (a) and public and charter school accountability board.

Modify &  
keep  
118.42(1)  
rpi.(2)(4)  
keep (5)

Remove Section 23 (Page 13, lines 18-25)

Remove Section 25 (Page 14, lines 4-6)

Remove Section 27 (Page 14, lines 8-15)

Remove Section 36 (Page 16, lines 22-25)



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0047(2) IPI  
FFK:..... RMR  
gjs

In 3-7  
Out 3-9 by 9am

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT,**  
**TO SENATE BILL 1**

SA ✓

Gen Cat

1 AN ACT /...; relating to: school and school district accountability reports,  
2 interventions for low-performing school districts, providing an exemption from  
3 emergency rule procedures, providing an exemption from rule-making  
4 procedures, and granting rule-making authority. ✓  
✓  
✓

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Ins #1 →

5 SECTION 1. 115.385 (1) (a) (intro.) of the statutes is amended to read: ✓  
6 115.385 (1) (a) (intro.) ~~Multiple~~ For a school and school district accountability  
7 report published for the 2015-16 school year or any previous school year, multiple  
8 measures to determine a school's performance or a school district's improvement,  
9 including all of the following:

4 dots

...

Always #2

1 SECTION 2. 115.385 (1) (a) of the statutes, as affected by 2015 Wisconsin Act...  
2 (this act) is repealed.

3 SECTION 3. 115.385 (1) (am) of the statutes is created to read:

4 115.385 (1) (am) Beginning with the school and school district accountability  
5 report published for the 2016-17 school year, multiple measures to determine a  
6 school's performance or a school district's improvement, as determined by the  
7 department by rule.

Ins #12

8 SECTION 4. 115.385 (1m) of the statutes is created to read:

9 115.385 (1m) Annually, the department shall notify the parents of each pupil  
10 enrolled in a school that was placed in the lowest performance category in the most  
11 recent school and school district accountability report that the pupil's school was  
12 placed in the lowest performance category in that school and school district  
13 accountability report.

STET

\*\*\*\*NOTE: Is this consistent with your intent? Do you want to require the notice be in writing? Do you want the notice to be provided at any specific time during the school year?

Ins #3

14 SECTION 5. 115.385 (3) of the statutes is created to read:

15 115.385 (3) Within 90 days of publishing the school and school district  
16 accountability report for the 2019-2020 school year and at least once every four years  
17 thereafter, the department shall review the measures promulgated by rule under  
18 sub. (1) (am) and evaluate whether the measures are an accurate reflection of school  
19 performance and school district improvement. The department shall report the  
20 results of its review to the appropriate standing committees of the legislature under  
21 s. 13.172 (3).

accurately reflect

\*\*\*\*NOTE: The "Within 90 days of publishing ..." phrase is just a place holder. Let me know if you prefer a different deadline. The purpose is to establish a deadline for the first review.

✓

SECTION 6. 118.42 (title) of the statutes is amended to read:

118.42 (title) ~~Low-performing school districts and schools; state superintendent interventions.~~

History: 2009 a. 215; 2011 a. 10.

SECTION 7. 118.42 (1) of the statutes is amended to read:

118.42 (1) ~~If the state superintendent determines that~~ The school board of a school district has been in need of improvement for 4<sup>↓</sup> that is placed in the lowest performance category under s. 115.385 for 3 consecutive school years, the school board shall do, by April 30 following its <sup>e 3rd</sup> third consecutive placement in the lowest performance category, submit to the state superintendent for approval an improvement plan that does all of the following:

\*\*\*NOTE: Do you want to specify either in the statutory text or in a statutory section whether scores on report cards issued before the date of the bill count toward determining whether a school board must submit a plan under this subsection. In other words, is it your intent that the 3 consecutive placements in the lowest category occur after the date of the bill trigger this requirement or would 2 previous placements in the lowest category plus one that occurs after the date of the bill mean that a school board must submit a plan?

(a) ~~Employ~~ Employs a standard, consistent, research-based curriculum that is aligned with the state's model academic standards, as determined by the state superintendent, and across grades in all schools.

(b) ~~Use~~ Uses pupil academic performance data, including data indicating improvement in pupil academic achievement and English language acquisition, to differentiate instruction to meet individual pupil needs. To the extent practicable, the school board shall assess pupils in the language and form most likely to yield accurate data.

(c) ~~Implement~~ Implements for all pupils a system of academic and behavioral supports and early interventions, including diagnostic assessments, instruction in core academic subjects, different instructional strategies for different pupils, and

*that occur before the date of the bill*

*placements*

*triggers the requirement to*

*that*

1 strategies to improve reading and mathematics instruction and promote positive  
2 behavior.

3 (d) ~~Provide~~ Provides additional learning time to address the academic needs  
4 of pupils who are struggling academically, including pupils whose proficiency in  
5 English is limited. The additional learning time may include an extended school day,  
6 an extended school year, summer school, or intersession courses.

History: 2009 a. 215; 2011 a. 10.

7 **SECTION 8.** 118.42 (1) (e) of the statutes is created to read:

8 118.42 (1) (e) Implements other strategies and interventions, as appropriate  
9 to improve school district performance.

X 10 **SECTION 9.** 118.42 (2) of the statutes is repealed.

X 11 **SECTION 10.** 118.42 (3) of the statutes is repealed.

X 12 **SECTION 11.** 118.42 (4) of the statutes is repealed.

In #4 → 13 **SECTION 12.** 121.006 (2) (d) of the statutes is repealed.

X 14 **SECTION 13. Nonstatutory provisions.**

15 (1) ACCOUNTABILITY REPORT; REVIEW OF CURRENT MEASURES. Before promulgating  
16 rules under section 115.385 (1) (am) of the statutes, as created by this act, the  
17 department of public instruction shall review the measures used to determine a  
18 school's performance or a school district's improvement under section 118.385 (1) (a)  
19 of the statutes. When reviewing the measures, the state superintendent of public  
20 instruction shall consider all of the following:

\*\*\*\*NOTE: Please review this language. It is not clear to me what is intended by requiring the state superintendent to consider pars. (a) to (c) for purposes of reviewing the existing measures because pars. (a) to (c) are, or are very close to, existing measures. Please advise.

21 (a) Pupil achievement in reading and mathematics.

1 (b) Growth in pupil achievement in reading and mathematics, calculated using  
2 a value-added methodology.

3 (c) Gap closure in pupil achievement in reading and mathematics and, when  
4 available, rates of graduation.

5 (d) The amount of time a pupil <sup>e is</sup> was enrolled in a school or school district before  
6 data used for a measure <sup>is</sup> was collected.

7 (e) The impact of poverty on pupil achievement and growth, including the  
8 percentage of pupils enrolled in the school or school district who satisfy the income  
9 eligible criteria for a free or reduced-price lunch under 42 USC 1758 (b) or any other  
10 measure of poverty determined by the department of public instruction.

11 (f) Career and technical education readiness for high school pupils and  
12 indications that elementary pupils are on track for career and technical education  
13 readiness.

14 (2) ACCOUNTABILITY REPORT MEASURES; RULES. <sup>(H)</sup> (a) *Emergency rules.* Using the  
15 procedure under section 227.24 of the statutes, the department of public instruction  
16 <sup>eg</sup> may promulgate rules under sections 115.385 (1) (am) of the statutes, as created by  
17 this act, for the period before the effective date of the rules submitted under  
18 <sup>check a.r.</sup> paragraph (b), but not to exceed the period authorized under section 227.24 (1) (c) of  
19 the statutes, subject to extension under section 227.24 (2) of the statutes.  
20 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
21 of public instruction is not required to provide evidence that promulgating a rule  
22 under this paragraph as an emergency rule is necessary for the preservation of the  
23 public peace, health, safety, or welfare and is not required to provide a finding of  
24 emergency for a rule promulgated under this paragraph. Notwithstanding section  
25 227.24 (1) (e) 1d. and 1g. of the statutes, the department of public instruction is not

shall



1 required to prepare a statement of the scope of the rules promulgated under this  
2 subsection or present the rules to the governor for approval. The department of  
3 public instruction shall promulgate the rules under this paragraph no later than  
4 December 15, 2015.

5 (b) *Submission to legislative council.* The department of public instruction  
6 shall submit in proposed form the rules required under sections 115.385 (1) (am) of  
7 the statutes, as created by this act, to the legislative council staff under section  
8 227.15 (1) of the statutes no later than the first day of the 9th month beginning after  
9 the effective date of this paragraph.

\*\*\*\*NOTE: The deadline included in this paragraph is a place holder. Please let me know if you prefer a different deadline for the submission of the proposed rules.

10 (c) *Scope statement.* Notwithstanding section 227.135 (2) of the statutes, the  
11 department of public instruction is not required to present the statement of the scope  
12 of the rules required under sections 115.385 (1) (am) of the statutes, as created by this  
13 act, to the governor for approval.

14 (d) *Economic impact analysis.* Notwithstanding section 227.137 (2) of the  
15 statutes, the department of public instruction is not required to prepare an economic  
16 impact report for the rules required under sections 115.385 (1) (am) of the statutes,  
17 as created by this act. Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the  
18 statutes, the department of public instruction is not required to submit the proposed  
19 rules required under sections 115.385 (1) (am) of the statutes, as created by this act,  
20 to the small business regulatory review board and is not required to prepare a final  
21 regulatory flexibility analysis for those rules.

22 (e) *Approval of rules in final draft form.* Notwithstanding section 227.185 of  
23 the statutes, the department of public instruction is not required to present the rules

XXXX NOTE: Please note this provision exempts DPI from preparing a scope statement for the emergency rules. okay?

paragraph

§

§

§

1 required under sections <sup>e</sup> 115.385 (1) (am) of the statutes, as created by this act, in final  
2 draft form to the governor for approval.

3 **SECTION 14. Initial applicability.**

4 (1) The treatment of sections <sup>e</sup> 115.385 (1m) of the statutes first applies to notice  
5 <sup>of that</sup> of a pupil's school <sup>g was placed</sup> being in the lowest performance category in the school and school  
6 district accountability report published for the 2016–17 school year.

7 **SECTION 15. Effective date.** This act takes effect on the day after publication,

8 except as follows:

9 (1) ACCOUNTABILITY REPORT; MEASURES. The <sup>g repeal</sup> treatment of section 115.385 (1) (a)  
10 (by SECTION <sup>Autore § A</sup> XX) of the statutes takes effect on October 1, 2016.

11 (2) NOTICE TO PARENTS. The treatment of sections <sup>e</sup> 115.385 (1m) of the statutes  
12 takes effect on January 1, 2017.

→ (END)

CAW

**SENATE BILL 1**

board of each private school that the private school has been identified as such. Within 30 days of receiving a notice, the governing board of a private school may appeal its identification as a chronically failing school. On appeal, the board may choose not to identify the private school as a chronically failing choice school for one school year if the board determines that exceptional circumstances justify the private school's performance on the annual accountability reports.

A private school that the choice accountability board identifies as a chronically failing choice school may not accept any new students under a PCP beginning in the school year the private school is identified as a chronically failing choice school. However, any pupil attending the private school under a PCP at the time the private school is identified as a chronically failing private school may continue to attend the private school under a PCP. Three school years after being identified as a chronically failing choice school, a private school may reapply to DPI to begin accepting new students under a PCP. For purposes of applying to begin accepting new students under a PCP, the private school must apply to DPI in the same manner as a new private school applying to begin participating in a PCP.

**EDUCATIONAL OPTIONS**

This bill directs each school board to annually post on its Internet site educational options available to children residing in the school district who are between the ages of 3 and 18.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

Ins  
#1

1           **SECTION 1.** 13.94 (1) (n) of the statutes is created to read:  
 2           13.94 (1) (n) No later than January 1, 2017<sup>2019</sup>, and biennially thereafter, perform  
 3           a performance evaluation audit of the school and school district accountability report  
 4           system under s. 115.385, including an evaluation of whether the index system used  
 5           to identify a school or school district's performance is being consistently applied. The  
 6           legislative audit bureau shall file a copy of the report of the audit under this  
 7           paragraph with the distributees specified in par. (b).

8           **SECTION 2.** 13.94 (1s) (c) 9. of the statutes is created to read:

**SENATE BILL 1**

**SECTION 2**

1           13.94 (1s) (c) 9. The department of public instruction for the cost of an audit  
2 performed under sub. (1) (n).  
*End Ins 2 |*

3           **SECTION 3.** 15.07 (2) (o) of the statutes is created to read:

4           15.07 (2) (o) The state superintendent of public instruction or his or her  
5 designee shall serve as the chairperson of the public and charter school  
6 accountability board.

7           **SECTION 4.** 15.105 (20) of the statutes is created to read:

8           15.105 (20) **PARENTAL CHOICE SCHOOL ACCOUNTABILITY BOARD.** There is created  
9 a parental choice school accountability board, attached to the department of  
10 administration under s. 15.03. The board shall consist of the state superintendent  
11 of public instruction or his or her designee and 8 members appointed for 3-year  
12 terms. Of the 8 appointed members, 4 shall be nominated by the governor and  
13 appointed with the advice and consent of the senate and one each shall be appointed  
14 by the speaker of the assembly, the senate majority leader, and the minority leader  
15 in each house of the legislature.

16          **SECTION 5.** 15.375 (3) of the statutes is created to read:

17          15.375 (3) **PUBLIC AND CHARTER SCHOOL ACCOUNTABILITY BOARD.** There is created  
18 a public and charter school accountability board, attached to the department of  
19 public instruction under s. 15.03. The board shall consist of the state superintendent  
20 of public instruction or his or her designee and 8 members nominated by the state  
21 superintendent of public instruction and with the advice and consent of the senate  
22 appointed for 3-year terms.

23          **SECTION 6.** 16.105 of the statutes is created to read:

24          **16.105 Parental choice school accountability board.** (1) Under this  
25 section.

**SENATE BILL 1**

**SECTION 6**

1 ~~instruction of its action and the department of public instruction shall remove the~~  
2 ~~private school from the list of chronically failing choice schools it received under sub.~~  
3 ~~(2).~~

4 **SECTION 7.** 115.385 (1) (a) (intro.) of the statutes is amended to read:

5 115.385 (1) (a) (intro.) Multiple measures to determine a school's performance  
6 or a school district's improvement, including all of the following categorized by  
7 English language proficiency, disability, income level, and race or ethnicity:

8 **SECTION 8.** 115.385 (1) (a) 1. of the statutes is amended to read:

9 115.385 (1) (a) 1. Pupil achievement ~~and growth~~ in reading and mathematics.

10 **SECTION 9.** 115.385 (1) (a) 1m. of the statutes is created to read:

11 115.385 (1) (a) 1m. Growth in pupil achievement in reading and mathematics,  
12 calculated using a value-added methodology that includes demographic controls.

13 **SECTION 10.** 115.385 (1) (a) 2. of the statutes is repealed.

14 **SECTION 11.** 115.385 (1) (a) 3. of the statutes is amended to read:

15 115.385 (1) (a) 3. ~~Gaps in~~ Gap closure in growth in pupil achievement in  
16 reading and mathematics and, when available, rates of graduation, ~~categorized by~~  
17 ~~race, English language proficiency, disability, and income level.~~

18 **SECTION 12.** 115.385 (1) (a) 4. of the statutes is created to read:

19 115.385 (1) (a) 4. Rates of attendance or of high school graduation. The  
20 measure under this subdivision shall include a measure of improvement in addition  
21 to a measure of attainment.

22 **SECTION 13.** 115.385 (1) (b) of the statutes is amended to read:

23 115.385 (1) (b) An index system to identify a school's level of performance and  
24 a school district's level of improvement and annually place each school and school  
25 district into one of 5 performance categories.

Ins  
2



Ins 2 con

SENATE BILL 1

I  
End  
INS#2

1 SECTION 14. 115.385 (1) (c) of the statutes is created to read:

2 115.385 (1) (c) A definition for each of the 5 performance categories in par. (b).

INS#3

3 SECTION 15. 115.385 (2) of the statutes is amended to read:

4 115.385 (2) ~~Beginning one year after a charter school established under s.~~

5 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~

6 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~

7 ~~(b), or begins using a system that is interoperable with that system, the no later than~~

8 ~~the annual school accountability report due by September 2016, the department~~

9 shall include the school in its annual school accountability report under sub. (1)

10 charter schools established under s. 118.40 (2r) and private schools participating in

11 a parental choice program under s. 118.60 or 119.23. The department shall use the

12 same criteria to measure the performance of all schools included in the annual school

13 accountability report.

End  
INS#3

14 SECTION 16. ~~118.40 (2r) (e) 2p. (intro.) of the statutes is amended to read:~~

15 ~~118.40 (2r) (e) 2p. (intro.) In Except as provided in subd. 4., in the 2015-16~~

16 ~~school year and in each school year thereafter, from the appropriation under s. 20.255~~

17 ~~(2) (fm), the department shall pay to the operator of the charter school an amount~~

18 ~~equal to the sum of the amount paid per pupil under this paragraph in the previous~~

19 ~~school year; the amount of the per pupil revenue limit adjustment under s. 121.91~~

20 ~~(2m) for the current school year, if positive; and the change in the amount of~~

21 ~~statewide categorical aid per pupil between the previous school year and the current~~

22 ~~school year, if positive. The change in the statewide categorical aid per pupil shall~~

23 ~~be determined as follows:~~

24 SECTION 17. 118.40 (2r) (e) 4. of the statutes is created to read:

## SENATE BILL 1

1           **SECTION 29.** 118.42 (3) (a) 1. to 5. of the statutes are renumbered 118.42 (3) (a)  
2 to (e), and 118.42 (3) (a) and (e), as renumbered, are amended to read:

3           118.42 (3) (a) Implement or modify activities described in sub. ~~(1)~~ (1m) (a) to  
4 ~~(d)~~.

5           (e) Adopt accountability measures to monitor the school district's finances or  
6 to monitor other interventions directed by the state superintendent under subds. 1.  
7 to 4 pars. (a) to (d).

8           **SECTION 30.** 118.42 (3) (b) and (c) of the statutes are repealed.

9           **SECTION 31.** 118.42 (4) of the statutes is repealed.

10          **SECTION 32.** 118.57 of the statutes is created to read:

11           **118.57 Notice of educational options.** Annually, by January 31, a school  
12 board shall post on its Internet site the educational options available to children who  
13 reside in the school district and are at least 3 years old but not yet 18 years old,  
14 including public schools, private schools participating in a parental choice program,  
15 charter schools, full-time open enrollment, youth options, and course options.

16          **SECTION 33.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

17           118.60 (2) (a) (intro.) Subject to pars. (ag) and, (ar), and (bt), any pupil in grades  
18 kindergarten to 12 who resides within an eligible school district may attend any  
19 private school under this section and, subject to pars. (ag), (ar), (be), (bm), and (bs),  
20 and (bt), any pupil in grades kindergarten to 12 who resides in a school district, other  
21 than an eligible school district or a 1st class city school district, may attend any  
22 private school under this section if all of the following apply:

23           **SECTION 34.** 118.60 (2) (bt) of the statutes is created to read:

24           118.60 (2) (bt) 1. Except as provided in subd. 2., beginning in the school year  
25 a private school is identified as a a chronically failing choice school under s. 16.105,

INS  
#4  
I

Meeting w/ Jenner 3-24

① Include 4733/P1 in sub

② p. 3 note - Yes language is consistent  
Yes "in writing"  
by Jan 15

③ p. 4 Note 1 - okay  
Note 2 - 3 published reports in a row  
13-14 15-16 16-17  
if no 14-15 published report  
would trigger an improvement  
plan

④ p. 6 note - when reviewing current  
report card shall  
consider all of the  
factors listed

⑤ p. 7 notes - okay





State of Wisconsin  
2015 - 2016 LEGISLATURE

In 3-24  
out 3-25

LRBs0047/PL 1/P2  
FFK:cjs:JP  
stays RML  
CS

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT ,**  
**TO SENATE BILL 1**

87  
Hull

Go Cat

1 AN ACT *to repeal* 115.385 (1) (a), 118.42 (2), 118.42 (3), 118.42 (4) and 121.006  
2 (2) (d); *to amend* 115.385 (1) (a) (intro.), 115.385 (1) (b), 115.385 (2), 118.42  
3 (title) and 118.42 (1); and *to create* 13.94 (1) (n), 13.94 (1s) (c) 9., 115.385 (1)  
4 (am), 115.385 (1) (c), 115.385 (1m), 115.385 (3), 118.42 (1) (e) and 118.57 of the  
5 statutes; **relating to:** school and school district accountability reports,  
6 interventions for low-performing school districts, providing an exemption from  
7 emergency rule procedures, providing an exemption from rule-making  
8 procedures, and granting rule-making authority.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

9 SECTION 1. 13.94 (1) (n) of the statutes is created to read:  
10 13.94 (1) (n) No later than January 1, 2019, and biennially thereafter, perform  
11 a performance evaluation audit of the school and school district accountability report

1 system under s. 115.385, including an evaluation of whether the index system used  
2 to identify a school or school district's performance is being consistently applied. The  
3 legislative audit bureau shall file a copy of the report of the audit under this  
4 paragraph with the distributees specified in par. (b).

5 **SECTION 2.** 13.94 (1s) (c) 9. of the statutes is created to read:

6 13.94 (1s) (c) 9. The department of public instruction for the cost of an audit  
7 performed under sub. (1) (n).

8 **SECTION 3.** 115.385 (1) (a) (intro.) of the statutes is amended to read:

9 115.385 (1) (a) (intro.) Multiple For a school and school district accountability  
10 report published for the 2015–16 school year or any previous school year, multiple  
11 measures to determine a school's performance or a school district's improvement,  
12 including all of the following:

13 **SECTION 4.** 115.385 (1) (a) of the statutes, as affected by 2015 Wisconsin Act ....  
14 (this act), is repealed.

15 **SECTION 5.** 115.385 (1) (am) of the statutes is created to read:

16 115.385 (1) (am) Beginning with the school and school district accountability  
17 report published for the 2016–17 school year, multiple measures to determine a  
18 school's performance or a school district's improvement, as determined by the  
19 department by rule.

20 **SECTION 6.** 115.385 (1) (b) of the statutes is amended to read:

21 115.385 (1) (b) An index system to identify a school's level of performance and  
22 a school district's level of improvement and annually place each school and school  
23 district into one of 5 performance categories.

24 **SECTION 7.** 115.385 (1) (c) of the statutes is created to read:

25 115.385 (1) (c) A definition for each of the 5 performance categories in par. (b).

TWS  
3-1

1           **SECTION 8.** 115.385 (1m) of the statutes is created to read:  
 2           115.385 (1m) Annually, <sup>by January 15<sup>th</sup></sup> the department shall notify <sup>in writing</sup> the parents of each pupil  
 3 enrolled in a school that was placed in the lowest performance category in the most  
 4 recent school and school district accountability report that the pupil's school was  
 5 placed in the lowest performance category in that school and school district  
 6 accountability report.

\*\*\*NOTE: Is this consistent with your intent? Do you want to require the notice be  
 in writing? Do you want the notice to be provided at any specific time during the school  
 year?

7           **SECTION 9.** 115.385 (2) of the statutes is amended to read:  
 8           115.385 (2) ~~Beginning one year after a charter school established under s.~~  
 9 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~  
 10 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~  
 11 ~~(b), or begins using a system that is interoperable with that system, the~~ with the  
 12 report published for the 2015-16 school year, the department shall include the school  
 13 in its annual school accountability report under sub. (1) charter schools established  
 14 under s. 118.40 (2r) and private schools participating in a parental choice program  
 15 under s. 118.60 or 119.23. The department shall use the same criteria to measure  
 16 the performance of all schools included in the annual school accountability report.

17           **SECTION 10.** 115.385 (3) of the statutes is created to read:  
 18           115.385 (3) Within 90 days of publishing the school and school district  
 19 accountability report for the 2019-2020 school year and at least once every four years  
 20 thereafter, the department shall review the measures promulgated by rule under  
 21 sub. (1) (am) and evaluate whether the measures accurately reflect school  
 22 performance and school district improvement. The department shall report the

1 results of its review to the appropriate standing committees of the legislature under  
2 s. 13.172 (3).

\*\*\*\*NOTE: The "Within 90 days of publishing ..." phrase is just a place holder. Let me know if you prefer a different deadline. The purpose is to establish a deadline for the first review.

3 SECTION 11. 118.42 (title) of the statutes is amended to read:

4 118.42 (title) **Low-performing school districts and schools; state**  
5 **superintendent; interventions.** *school and school district*

6 SECTION 12. 118.42 (1) of the statutes is amended to read:

7 118.42 (1) ~~If the state superintendent determines that~~ The school board of a  
8 school district has been in need of improvement for 4 ~~that is placed in the lowest~~  
9 performance category under s. 115.385 <sup>(n)</sup> ~~for~~ 3 consecutive school years, ~~the school~~  
10 board <sup>published accountability reports</sup> ~~shall do, by April 30 following its 3rd consecutive placement in the lowest~~  
11 performance category, submit to the state superintendent for approval an  
12 improvement plan that does all of the following:

\*\*\*\*NOTE: Do you want to specify either in the statutory text or in a statutory section whether scores on report cards issued before the date of the bill count toward determining whether a school board must submit a plan under this subsection? In other words, is it your intent that 3 consecutive placements in the lowest category that occur after the date of the bill trigger this requirement or would 2 placements in the lowest category that occur before the date of the bill plus one placement that occurs after the date of the bill trigger the requirement that a school board must submit a plan?

13 (a) ~~Employ~~ Employs a standard, consistent, research-based curriculum that  
14 is aligned with the state's model academic standards, as determined by the state  
15 superintendent, and across grades in all schools.

16 (b) ~~Use~~ Uses pupil academic performance data, including data indicating  
17 improvement in pupil academic achievement and English language acquisition, to  
18 differentiate instruction to meet individual pupil needs. To the extent practicable,  
19 the school board shall assess pupils in the language and form most likely to yield  
20 accurate data.

1 (c) ~~Implement~~ Implements for all pupils a system of academic and behavioral  
2 supports and early interventions, including diagnostic assessments, instruction in  
3 core academic subjects, different instructional strategies for different pupils, and  
4 strategies to improve reading and mathematics instruction and promote positive  
5 behavior.

6 (d) ~~Provide~~ Provides additional learning time to address the academic needs  
7 of pupils who are struggling academically, including pupils whose proficiency in  
8 English is limited. The additional learning time may include an extended school day,  
9 an extended school year, summer school, or intersession courses.

10 **SECTION 13.** 118.42 (1) (e) of the statutes is created to read:

11 118.42 (1) (e) Implements other strategies and interventions, as appropriate  
12 to improve school district performance.

13 **SECTION 14.** 118.42 (2) of the statutes is repealed.

14 **SECTION 15.** 118.42 (3) of the statutes is repealed.

15 **SECTION 16.** 118.42 (4) of the statutes is repealed.

16 **SECTION 17.** 118.57 of the statutes is created to read:

17 **118.57 Notice of educational options.** Annually, by January 31, a school  
18 board shall post on its Internet site the educational options available to children who  
19 reside in the school district and are at least 3 years old but not yet 18 years old,  
20 including public schools, private schools participating in a parental choice program,  
21 charter schools, full-time open enrollment, youth options, and course options.

22 **SECTION 18.** 121.006 (2) (d) of the statutes is repealed.

23 **SECTION 19. Nonstatutory provisions.**

24 (1) ACCOUNTABILITY REPORT; REVIEW OF CURRENT MEASURES. Before promulgating  
25 rules under section 115.385 (1) (am) of the statutes, as created by this act, the

*most recent school and school district accountability report*

1 department of public instruction shall review the measures used to determine a  
2 school's performance or a school district's improvement under section 118.385 (1) (a)  
3 of the statutes. When reviewing the measures, the state superintendent of public  
4 instruction shall consider all of the following:

\*\*\*NOTE: Please review this language. It is not clear to me what is intended by requiring the state superintendent to consider pars. (a) to (c) for purposes of reviewing the existing measures because pars. (a) to (c) are, or are very close to, existing measures. Please advise.

- 5 (a) Pupil achievement in reading and mathematics.
- 6 (b) Growth in pupil achievement in reading and mathematics, calculated using  
7 a value-added methodology.
- 8 (c) Gap closure in pupil achievement in reading and mathematics and, when  
9 available, rates of graduation.
- 10 (d) The amount of time a pupil is enrolled in a school or school district before  
11 data used for a measure is collected.
- 12 (e) The impact of poverty on pupil achievement and growth, including the  
13 percentage of pupils enrolled in the school or school district who satisfy the income  
14 eligible criteria for a free or reduced-price lunch under 42 USC 1758 (b) or any other  
15 measure of poverty determined by the department of public instruction.
- 16 (f) Career and technical education readiness for high school pupils and  
17 indications that elementary pupils are on track for career and technical education  
18 readiness.

19 (2) ACCOUNTABILITY REPORT MEASURES; RULES.

- 20 (a) *Emergency rules.* Using the procedure under section 227.24 of the statutes,  
21 the department of public instruction shall promulgate rules under section 115.385  
22 (1) (am) of the statutes, as created by this act, for the period before the effective date  
23 of the rules submitted under paragraph (b), but not to exceed the period authorized

1 under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24  
2 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
3 statutes, the department of public instruction is not required to provide evidence  
4 that promulgating a rule under this paragraph as an emergency rule is necessary for  
5 the preservation of the public peace, health, safety, or welfare and is not required to  
6 provide a finding of emergency for a rule promulgated under this paragraph.  
7 Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the department of  
8 public instruction is not required to prepare a statement of the scope of the rules  
9 promulgated under this paragraph or present the rules to the governor for approval.  
10 The department of public instruction shall promulgate the rules under this  
11 paragraph no later than December 15, 2015.

\*\*\*\*NOTE: Please note this provision exempts DPI from preparing a scope statement for the emergency rules. Okay?

12 (b) *Submission to legislative council.* The department of public instruction  
13 shall submit in proposed form the rules required under section 115.385 (1) (am) of  
14 the statutes, as created by this act, to the legislative council staff under section  
15 227.15 (1) of the statutes no later than the first day of the 9th month beginning after  
16 the effective date of this paragraph.

\*\*\*\*NOTE: The deadline included in this paragraph is a place holder. Please let me know if you prefer a different deadline for the submission of the proposed rules.

17 (c) *Scope statement.* Notwithstanding section 227.135 (2) of the statutes, the  
18 department of public instruction is not required to present the statement of the scope  
19 of the rules required under section 115.385 (1) (am) of the statutes, as created by this  
20 act, to the governor for approval.

21 (d) *Economic impact analysis.* Notwithstanding section 227.137 (2) of the  
22 statutes, the department of public instruction is not required to prepare an economic

1 impact report for the rules required under section 115.385 (1) (am) of the statutes,  
2 as created by this act. Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the  
3 statutes, the department of public instruction is not required to submit the proposed  
4 rules required under section 115.385 (1) (am) of the statutes, as created by this act,  
5 to the small business regulatory review board and is not required to prepare a final  
6 regulatory flexibility analysis for those rules.

7 (e) *Approval of rules in final draft form.* Notwithstanding section 227.185 of  
8 the statutes, the department of public instruction is not required to present the rules  
9 required under section 115.385 (1) (am) of the statutes, as created by this act, in final  
10 draft form to the governor for approval.

11 **SECTION 20. Initial applicability.** (OS)

12 (1) <sup>NOTICE TO PARENTS</sup> The treatment of section 115.385 (1m) of the statutes first applies to notice  
13 that a pupil's school was placed in the lowest performance category in the school and  
14 school district accountability report published for the 2016-17 school year.

*was created by this act*

15 **SECTION 21. Effective date.** This act takes effect on the day after publication,  
16 except as follows:

17 (1) ACCOUNTABILITY REPORT; MEASURES. The repeal of section 115.385 (1) (a) of  
18 the statutes takes effect on October 1, 2016.

19 (2) NOTICE TO PARENTS. The treatment of section 115.385 (1m) of the statutes  
20 takes effect on January 1, 2017.

21 (END)

(1/2) <sup>(OS)</sup> VIRTUAL SCHOOL DATA. The treatment of section  
115.385 (1g) of the statutes, as created by this act, first  
applies to measuring a school district's improvement for  
the 2015-16 school year.





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1733/P1  
FFK:cjs:cs

SA

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Add in to Sub to SB1

1 **AN ACT to create** 115.385 (3) of the statutes; **relating to:** school district  
2 accountability reports.

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Public Instruction (DPI) publishes an annual accountability report for each school district that measures the school district's improvement. DPI must include in the accountability report certain information about schools in the school district. Current law provides that a virtual charter school is considered to be located in the school district governed by the school board that contracted to establish the virtual charter school. If a virtual charter school is established by more than one school board, the virtual charter school is considered to be located in the school district agreed to by the school boards that established the virtual charter school.

Under the bill, DPI is prohibited from including in a school district's accountability report information about a virtual charter school located in the school district if at least 50 percent of the pupils attending the virtual charter school are nonresident pupils attending the virtual charter school under open enrollment.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

Ins  
33-1

SECTION 1. 115.385 (3) of the statutes is created to read:

(lg)



1                    115.385 <sup>(3)</sup> For purposes of measuring a school district's improvement under  
2                    sub. (1), the department may not include data derived from a virtual charter school  
3                    that is considered to be located in the school district under s. 118.51 (18) if at least  
4                    50 percent of the pupils attending the virtual charter school are attending under s.  
5                    118.51.

6                    (END)

## **Knepp, Fern**

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**From:** Zantow, Jenna  
**Sent:** Thursday, April 02, 2015 3:42 PM  
**To:** Knepp, Fern  
**Subject:** RE: Draft review: LRB s0047/P2 Topic: School accountability reports and interventions for low-performing school districts

**Importance:** High

Hi Fern,

Just a couple more quick changes. Could we add language in so that Choice schools have the option to submit data from all of their students and if they do we will create a second report card for them with all of the data they submitted in addition to the report card being created based just on the voucher students.

We would also like to change the notification section, instead of having DPI send out the notice to parents we would like that to be changed to the School District sending the notice instead.

Thank you!

**Jenna Zantow**

Policy Advisor / Committee Clerk  
Office of Senator Paul Farrow  
608.266.9174  
jenna.zantow@legis.wi.gov

**Following is the PDF version of draft LRB s0047/P2.**